

RAM LAL

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Ram Lal-petitioner is seeking regular bail in the case bearing FIR No.109 dated 23.07.2022 under Sections 15 (c) of NDPS Act, 1985, registered at Police Station Nakodar, District Jalandhar (Rural).

Learned counsel for the petitioner contends that as per the allegations, 51 Kg of Poppy Husk in three bags has been recovered from the petitioner. The weightment of poppy husk has been carried out along with three bags and this aspect has been specifically mentioned in the FIR. In these circumstances, the possibility cannot be ruled out that the quantity of poppy husk recovered from the possession of the petitioner falls in the category of commercial quantity. Even otherwise, the alleged recovery is marginally above the commercial quantity. Petitioner is in custody for a period of 07 months and 23 days and is not involved in any other case much less under NDPS Act.

On instructions from ASI Rajinder Kumar, learned State counsel has not disputed the aforesaid factual aspects.

In the instant case the weightment of poppy husk has been carried

out along with three bags and the alleged recovery is marginally above the commercial quantity. In such circumstances, the stringent provisions of Section 37 NDPS Act can be relaxed. Petitioner is in custody for a period of 07 months and 23 days and is not involved in any other case much less under NDPS Act. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

16.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No